

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 96.11, the Director of the Workforce Development Department hereby gives Notice of Intended Action to amend Chapter 24, “Claims and Benefits,” Iowa Administrative Code.

The proposed amendments to subrules 24.13(3) and 24.16(1) are intended to clarify that paid time off, annual leave, and excused personal leave are included in the term “vacation pay” and are likewise deductible from unemployment. The policy of the Department was adopted before the deductibility of vacation pay was provided in the law, and the policy has not yet been changed.

If requested in accordance with Iowa Code section 17A.4(1)“b” by 4:30 p.m. on January 28, 2014, a public hearing will be held on January 29, 2014, at 1 p.m. in the Stanley Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons not later than January 28, 2014, to Joseph Bervid, Workforce Development Department, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to joseph.bervid@iwd.iowa.gov.

The Workforce Development Department does not intend to grant waivers under the provisions of these rules, other than as may be allowed under the Department’s general rules regarding waivers found at 871—Chapter 41.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 96.3(3), 96.5(5), 96.5(7), 96.11(1) and 96.19(38).

The following amendments are proposed.

ITEM 1. Amend subrule 24.13(3) as follows:

24.13(3) Fully deductible payments from benefits. The following payments are considered as wages; however, such payments are fully deductible from benefits on a dollar-for-dollar basis:

a. No change.

b. Excused personal leave. Excused personal leave, also referred to as casual pay or random pay, is personal leave with pay granted to an employee for absence from the job because of personal reasons. It shall be ~~fully deductible only when taken in conjunction with a scheduled period of vacation in which case it shall be treated as vacation and be fully deductible in the manner prescribed in rule 871—24.16(96).~~

c. to e. No change.

ITEM 2. Amend subrule 24.16(1) as follows:

24.16(1) If the employer properly notifies the department within ten days after the notification of the filing of the claim that an amount of vacation pay, either paid or owed, is to be applied to a specific vacation period, a sum equal to the wages of the individual for a normal workday shall be applied to the first and each subsequent workday of the designated vacation period until the amount of the vacation

pay is exhausted. For the purposes of this rule, rule 871—24.13(96), and rule 871—24.17(96), the term “vacation pay” shall include paid time off and annual leave payments.